

## 1520.06 Legal Actions Involving a Labor Organization

Issued January 1, 1994

SUBJECT: Legal Actions Involving a Labor Organization.

APPLICATION: Executive Branch Departments and Sub-units.

PURPOSE: To provide a mechanism for ensuring that departments notify the Office of the State Employer promptly when they are contemplating suing, or have been sued by a labor organization, or are involved in a legal action having labor relations implications.

CONTACT AGENCY: Department of Management and Budget (DMB) - Office of the State Employer (OSE).

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SUMMARY: This section specifies the procedure by which departments are to provide notice to the OSE when legal charges are filed against them by a labor organization, or if a legal suit is filed which has labor relations implications, or when a department is contemplating filing a legal action against a labor organization.

NOTE: Legal representation is a responsibility of the Department of the Attorney General; however, labor relations policy determinations relative to any legal action having labor relations implications is the responsibility of the OSE after consultation with the Attorney General.

APPLICABLE FORMS: None.

### PROCEDURES:

#### Department being sued:

- If a lawsuit is filed against a department by an exclusive representative, or otherwise has labor relations implications, immediately sends a copy of the charge to OSE and the Attorney General.
  - If the legal action has been filed by any other labor organization, immediately sends a copy of the charge to the OSE.
  - Sends a copy of the charge to the Attorney General.
- A response to the allegations will be determined through a joint decision of the department, the Attorney General and the OSE. Final authority over all legal related decisions resides with the Attorney General.

#### Department contemplating filing a suit having labor relations implications:

- Before any action is taken, consult with the OSE. If the OSE approves of the proposed course of action, the Attorney General should be approached jointly by the department and the OSE. The policy decision to file suit against an exclusive representative rests with the OSE, but the question of feasibility of legal action is the responsibility of the Attorney General.

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